

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Christian Peter PETZELT et al.  
SERIAL NO. : 10/576,628  
FILED : April 4, 2007  
CONF. NO. : 8178  
FOR : USE OF XENON FOR THE PREVENTION OF  
PROGRAMMED CELL DEATH  
EXAMINER: Ernst V. ARNOLD  
GROUP ART UNIT : 1616

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I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office via the Office electronic filing system on

Date: June 5, 2009

Signature: /Daniel G. Harris/  
Daniel G. Harris

**AMENDMENT**

SIR:

In reply to the Final Office Action dated March 9, 2009, please consider the following amendments and remarks. A Request for Continued Examination is being filed concurrently, and the \$810 fee is being paid by credit card. Applicants believe no other fees are due, but the Director is hereby authorized to charge Kenyon & Kenyon LLP's Deposit Account No. 11-0600 for any additional fee(s) or underpayments of fee(s) under 37 C.F.R. 1.16 and 1.17, and to credit any overpayments.

Listing of the **Claims** begins on page 3 of this paper.

**Remarks** begin on page 4 of this paper.

Also attached herewith are:

- (1) a Request for Continued Examination;
- (2) Exhibit A (Andersson et al., 2000, Invest. Ophthalmol. Visual Sci. 41:2623-2632);
- (3) Exhibit B (Bertrand et al., 1994, Exp. Cell Res. 211:314-321);
- (4) Exhibit C (Power et al., 2002, Shock 18:197-211);
- (5) Exhibit D (Oberholzer et al., 2001, FASEB J. 15:879-892);
- (6) Exhibit E (Gerschenson & Botello, 1992, FASEB J. 6:2450-2455);
- (7) Exhibit F (entry for "Apoptosis" in Wikipedia, <http://en.wikipedia.org/wiki/Apoptosis>);
- (8) Exhibit G (U.S. Patent No. 6,180,402);
- (9) Exhibit H (U. S. Patent No. 6,184,210); and
- (10) Exhibit I (U. S. Patent No. 6,403,792).